

REMARKS

Claims 1 and 2 are pending in the application. Claim 1 is the only independent claim.

Claims Rejections - 35 U.S.C. §§ 102 and 103

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,108,337 to Iijima.

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,108,337 to Iijima in view of U.S. Patent No. 4,002,268 to McKinney.

In response to the rejection of claim 1 under 35 U.S.C. § 102(b), applicants have amended that claim herein to provide a better definition of the invention. Applicants respectfully maintain that amended claim 1 distinguishes the invention over the prior art and particularly over Iijima.

As set forth in amended claim 1, a powder body metering apparatus comprises a metering container including a first hollow cylinder including an inlet in an upper end thereof and a separate second hollow cylinder arranged so as to be freely adjustable in position with respect to the first hollow cylinder. The powder body metering apparatus further comprises a switch valve for opening and closing the inlet of the metering container. The first hollow cylinder and the second hollow cylinder are slidably inserted one inside the other. An internal capacity of the metering container is variable by translating or linearly shifting the second hollow cylinder with respect to the first hollow cylinder. A first opening is provided in a lower portion of the metering container and a

separate second opening is provided in a desired portion. The first opening and the second opening are each spaced from the inlet, the first opening communicating with the second opening through the metering container.

Iijima neither discloses nor suggests a powder body metering apparatus with a metering container including a first hollow cylinder and a separate second hollow cylinder slidably inserted one inside the other so that the second hollow cylinder is translatable or linearly shiftable with respect to the first hollow cylinder in order to vary the internal capacity of the metering container.

In contrast to applicants' invention as set forth in amended claim 1, Iijima discloses a metering apparatus wherein a shaft (14) with a groove (15) is rotatably disposed relative to a discharge opening or portal (13) of a hopper (12). The shaft (14) and the discharge portal (13) are not slidably inserted one inside the other so that one is translatable or linearly shiftable relative to the other to vary a volume of a metering container.

The specification has been amended to more specifically describe the invention as depicted in the drawings and to provide antecedent basis for language added to the claims herein to better define the invention over cited prior art. No new matter has been added.

Conclusion

For the foregoing reasons, independent claim 1, as well as claim 2 dependent therefrom, is deemed to be in condition for allowance. An early Notice to that effect is earnestly solicited.

The present Amendment could not have been submitted earlier as the references relied on by the Examiner were cited only in the final Office action.

Should the Examiner believe that direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,

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